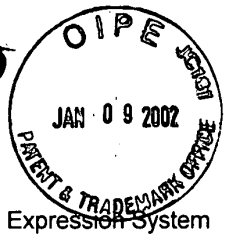
FORM PTO-1083



PATENT
Attorney Docket No. 201895
Date: November 14, 2001

1632

In re Application of: Falck-Pedersen
Application No.: 08/653,114
Filed: May 24, 1996
For: Adenovirus Gene Expression System

#41

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is a Response to Office Action to the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.

☐ Petition for Extension of Time
- ☐ Applicants petition for a extension of time under 37 CFR 1.136, the fee for which is $0.00 (enclosed).
- ☒ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☒ No additional claim fee is required.

☒ Other: Amendments to Claims Made in Response to Office Action Dated August 14, 2001 and Pending Claims After Amendments Made in Response to Office Action Dated August 14, 2001

The claim fee has been calculated as shown below:

					Small Entity		Other Than A Small Entity	
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims Present	Rate	Addit. Claim Fee	Rate	Addit. Claim Fee
Total	8	Minus	20	=0	x 9=	$0.00	x 18=	$0.00
Independent	2	Minus	3	=0	x 40=	$0.00	x 80=	$0.00
☐ First Presentation of Multiple Claim					+ 135=	$	+ 270=	$0.00
					Total	$0.00	Total	$0.00

☐ Please charge my Deposit Account No. 12-1216 in the amount of $. A duplicate copy of this sheet is attached.

☐ A check in the amount of $ is attached.

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

By _____
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PATENT
Attorney Docket No. 201895

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Falck-Pedersen

Application No. 08/653,114

Art Unit: 1632

Examiner: R. Schnizer

Filed: May 24, 1996

For: ADENOVIRUS GENE EXPRESSION SYSTEM

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated August 14, 2001, please enter the following amendments and consider the following remarks.

AMENDMENTS

Please amend claims 1 and 20 to read as follows:

1. (Three Times Amended) An adenoviral vector for expressing a heterologous gene(s) in a host cell, comprising, in an orientation opposite to the direction of adenoviral gene transcription, (a) at least one insertion site for cloning a selected heterologous gene; (b) a heterologous promoter positioned upstream from said at least one insertion site, wherein, upon cloning of the selected heterologous gene into said at least one insertion site, said gene is under the regulatory control of said heterologous promoter; (c) a eukaryotic splice acceptor and splice donor site positioned downstream of said promoter and upstream of said at least one insertion site; and (d) a polyadenylation sequence positioned downstream of said insertion site.

SUB 1

20. (Twice Amended) A method of delivering a heterologous gene to an animal heart *in vivo*, wherein the method comprises administering to the animal heart an adenoviral vector comprising, in an orientation opposite to the direction of adenoviral gene transcription, (a) a heterologous gene; (b) a promoter positioned upstream from the heterologous gene, the heterologous gene being under the regulatory control of the promoter; (c) a eukaryotic splice

SUB 2